

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

RICHARD ROY SCOTT,

Plaintiff,

V

MARK SELING, *et al.*,

Defendants.

Case No. C04-5147RJB

RICHARD ROY SCOTT,

Plaintiff,

V.

STEVE SULTEMEIER *et al.*,

Defendant.

Case No. C04-5365RJB

RICHARD ROY SCOTT,

Plaintiff,

V.

PACIFIC COUNTY, *et al.*

Defendants

ORDER DENYING MOTIONS

ORDER - 1

1 This matter comes before the Court on the Plaintiff's Motions for Clarification in each of the
2 above cause numbers (Dkts. 173, 119, and 30 respectively) and his request that a refund of his filing
3 fee be sent in *Seling* (Dkt. 174). The Court has reviewed the pleadings filed in support of these
4 motions and the files.

5 On March 1, 2005, Magistrate Judges J. Kelley Arnold and Karen L. Strombom issued a
6 Report and Recommendation regarding these and all of Plaintiff's other pending cases. The Report
7 and Recommendation suggests various actions to regulate the extent to which Plaintiff can access the
8 court due to his abusive litigation tactics and dismisses the above causes with prejudice. The Report
9 and Recommendation clearly sets forth the court's reasoning. This Court adopted the Report and
10 Recommendation in each of the above cases. Dkts. 170, 117, and 28.

11 Plaintiff now files Motions for Clarification arguing that in *Seling* and *Sultemeier*, the matters
12 had already been dismissed by court order. Dkts. 173 and 119. Plaintiff argues in his motion in
13 *Pacific County* that he dismissed his case under Fed. Rule of Civ. Pro. 41 before the Court adopted
14 the Report and Recommendation. Dkt. 30.

15 These motions are a continuation of Plaintiff's abuse of the court. In *Seling*, the Court
16 dismissed plaintiff's claims without prejudice in so far as his claim challenges the fact of his
17 confinement. Dkt. 149. Plaintiff has suffered no harm from adoption of the Report and
18 Recommendation in *Sultemeier* because the case has been dismissed with prejudice. Dkt. 111.
19 Plaintiff's Motion to dismiss his case in *Pacific County* under Rule 41 came after the Magistrate
20 Judges issued their Report and Recommendation. Dkt. 25. Plaintiff's filing of these Motions further
21 demonstrates the need for adoption of the Report and Recommendation. These motions should be
22 denied.

23 Plaintiff's motion for a refund of the filing fee in *Seling* is meritless. Plaintiff's case was
24 dismissed with prejudice on April 5, 2005 (Dkt. 170), and his motion was filed on April 8, 2005
25 (Dkt. 174). This motion should be denied.

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ORDER - 2

1 It is hereby **ORDERED** that,

2 Plaintiff's: Motion for Clarification in *Seling* (Dkt. 173) is **DENIED**, Motion for a Refund in
3 *Seling* (Dkt. 174) is **DENIED**, Motion for Clarification in *Sultemeier* (Dkt. 119) is **DENIED** and
4 Motion for Clarification in *Pacific County* (Dkt. 30) is **DENIED**.

5 The Clerk is directed to send copies of this Order to plaintiff and any other party that has
6 appeared in these actions.

7 DATED this 9th day of May, 2005.

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Robert J. Bryan
U.S. District Judge

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